



~~May 17, 2005 CPC~~
~~June 21, 2005 CPC~~
~~October 18, 2005 CPC~~
~~January 17, 2006 CPC~~
~~April 18, 2006 CPC~~
~~July 18, 2006 CPC~~
~~October 17, 2006 CPC~~
~~February 20, 2007 CPC~~
~~May 15, 2007 CPC~~
June 27, 2007 BS

STAFF'S
REQUEST ANALYSIS
AND
RECOMMENDATION

05SN0235

Douglas R. Sowers

Midlothian Magisterial District
Watkins Elementary, Midlothian Middle and Midlothian High School Attendance Zones
West line of County Line Road

REQUEST: Rezoning from Agricultural (A) to Residential (R-12).

PROPOSED LAND USE:

A single family residential subdivision with a minimum lot size of 12,000 square feet at a density not to exceed 2.0 dwelling units per acre, yielding approximately 178 lots, is planned.

PLANNING COMMISSION RECOMMENDATION

RECOMMEND DENIAL.

AYES: MESSRS. GECKER, GULLEY, BASS AND WILSON.

NAY: MR. LITTON.

STAFF RECOMMENDATION

Recommend denial for the following reason:

While the proposed zoning and land use complies with the adopted Upper Swift Creek Plan which suggests that the property is appropriate for residential development of 2.0 dwelling units per acre or less, the proposal fails to comply with the proposed amendment of the Upper Swift Creek Plan as recommended by the Planning Department.

Specifically, the proposed Plan recommended by the Planning Department suggests that development in this area should be deferred, as discussed herein.

(NOTE: THE ONLY CONDITION THAT MAY BE IMPOSED IS A BUFFER CONDITION. THE PROPERTY OWNER(S) MAY PROFFER OTHER CONDITIONS. THE CONDITIONS NOTED WITH “STAFF/CPC” WERE AGREED UPON BY BOTH STAFF AND THE COMMISSION. CONDITIONS WITH ONLY A “STAFF” ARE RECOMMENDED SOLELY BY STAFF. CONDITIONS WITH ONLY A “CPC” ARE ADDITIONAL CONDITIONS RECOMMENDED BY THE PLANNING COMMISSION.)

PROFFERED CONDITIONS

The Owners-Applicants in this zoning case, pursuant to Section 15.2-2298 of the Code of Virginia (1950 as amended) and the Zoning Ordinance of Chesterfield County, for themselves and their successors or assigns, proffer that the development of the property known as Chesterfield County Tax ID 702-700-5944 (the “Property”) under consideration will be developed according to the following conditions if, and only if, the rezoning request for R-12 as set forth in the application filed herewith is granted. In the event the request is denied or approved with conditions not agreed to by the Owners-Applicants, these proffers and conditions shall be immediately null and void and of no further force or effect.

1. Environmental.

Timbering. Except for the timbering approved by the Virginia State Department of Forestry for the purpose of removing dead or diseased trees, there shall be no timbering on the Property until a land disturbance permit has been obtained from the Environmental Engineering Department and the approved devices have been installed. (EE)

2. Utilities. Public water and wastewater systems shall be used (U)

3. Impacts on Capital Facilities. In addition to the Transportation Contribution described in Proffered Condition 4, the applicant, subdivider, or assignee(s) (the “Applicant”) shall pay the following to the County of Chesterfield (the “County”), prior to the issuance of a building permit, for infrastructure improvements within the service district for the property:

- a. If payment is made prior to July 1, 2007, \$6,685.00 per dwelling unit. At time of payment \$6,685.00 will be allocated pro-rata among the facility costs as follows: \$602.00 for parks and recreation, \$348.00 for library facilities, \$5,331.00 for schools, and \$404.00 for fire stations; or
- b. If payment is made after June 30, 2007, the amount approved by the Board of Supervisors not to exceed \$6,685.00 per dwelling unit pro-rated as set forth in Proffered Condition 3.a. above adjusted upward by any increase in the Marshall and Swift Building Cost Index between July 1, 2006, and July 1 of the fiscal year in which the payment is made.

- c. Cash proffer payments shall be spent for the purposes proffered or as otherwise permitted by law.
 - d. Should any impact fees be imposed by the County at any time during the life of the development that are applicable to the Property, the amount paid in cash proffers shall be in lieu of or credited toward, but not be in addition to, any impact fees, in a manner as determined by the County. (B&M)
4. Transportation Contribution. The Applicant shall pay to the County prior to recordation of each subdivision section, the amount of \$8,915.00 multiplied by the total number of lots on each of the approved final check plats. If these amounts are paid after June 30, 2007, the amount paid shall be adjusted upward by any Board of Supervisors' approved increase in the Marshall and Swift Building Cost Index between July 1, 2006 and July 1 of the fiscal year in which the payment is made. The payment shall be used for road improvements in accordance with the Board's Cash Proffer Policy.
- If, upon the mutual agreement of the Transportation Department and the Applicant, the Applicant provides road improvements (the "Improvements"), other than those road improvements identified in Proffered Condition 7, then the Transportation Contribution in this Proffered Condition shall be reduced by an amount not to exceed the cost to construct the Improvements as determined by the Transportation Department. Thereafter, the Applicant shall pay the balance of the Transportation Contribution as set forth in this Proffered Condition. For the purposes of this Proffered Condition, the costs, as approved by the Transportation Department, shall include, but not be limited to, the cost of right-of-way acquisition, engineering costs, costs of relocating utilities and actual costs of construction (including labor, materials, and overhead) ("Work"). Before any Work is performed, the Applicant shall receive prior written approval by the Transportation Department for any credit. (T and B&M)
5. Density. The total number of single family residential units shall not exceed two (2) units per acre. (P)
6. Right-of-Way Dedication. In conjunction with recordation of the initial subdivision plat, or within sixty (60) days from a written request by the Transportation Department, whichever occurs first, forty-five (45) feet of right-of-way along the west side of County Line Road, measured from the centerline of that part of County Line Road immediately adjacent to the Property, shall be dedicated, free and unrestricted, to and for the benefit of the County. (T)
7. Road Improvements. To provide an adequate roadway system, the developer shall be responsible for the following improvements:
- a. Construction of additional pavement along County Line Road at each approved access to provided left and right turn lanes, if warranted, based on Transportation Department standards.

- b. Widening/improving the west side of County Line Road to an eleven (11) foot wide travel lane, measured from the centerline of the road, with an additional one (1) foot wide paved shoulder plus a seven (7) foot wide unpaved shoulder and overlaying the full width of the road with one and one half (1.5) inches of compacted bituminous asphalt concrete, with modifications approved by the Transportation Department, for the entire Property frontage.
 - c. Dedication to the County, free and unrestricted, of any additional right-of-way (or easements) required for the improvements identified above. In the event the developer is unable to acquire the “off-site” right-of-way that is necessary for the road improvements described in Proffered Condition 7.a., the developer may request, in writing, that the County acquire such right-of-way as a public road improvement. All costs associated with the acquisition of the right-of-way shall be borne by the developer. In the event the County chooses not to assist the developer in acquisition of the “off-site” right-of-way, the developer shall be relieved of the obligation to acquire the “off-site” right-of-way and shall provide the road improvements within available right-of-way as determined by the Transportation Department. (T)
- 8. Road Improvement Phasing Plan. Prior to any construction plan approval, a phasing plan for the required road improvements, as identified in Proffered Condition 7 shall be submitted to and approved by the Transportation Department. (T)
 - 9. Access. Direct access from the Property to County Line Road shall be limited to two (2) public roads. The exact location of these accesses shall be approved by the Transportation Department. (T)
 - 10. Phasing. Prior to recordation of the initial subdivision plat, County Line Road from Midlothian Turnpike (Route 60) to the southern property line shall be reconstructed to be twenty-two (22) feet wide to accomplish two (2) travel lanes with one (1) foot wide paved shoulders on each side plus seven (7) foot wide unpaved shoulders, as determined by, and with modifications approved by, the Transportation Department. Furthermore, no lots shall be recorded prior to January 1, 2009, and no more than ninety (90) lots shall be recorded prior to January 1, 2010. (T)

GENERAL INFORMATION

Location:

West line of County Line Road, north of Mt. Hermon Road. Tax ID 702-700-5944 (Sheet 4).

Existing Zoning:

A

Size:

89.2 acres

Existing Land Use:

Single-family residential

Adjacent Zoning and Land Use:

North, East and West - A; Single-family residential or vacant
South - I-1; Single-family residential

UTILITIES

Public Water System:

The public water system is not currently available to serve this site. The closest public water line is a twenty-four (24) inch line that extends along Midlothian Turnpike, approximately 16,200 feet (3.1 miles) northeast of this site. As recommended by the Water/ Wastewater Facilities Plan, a sixteen (16) inch water line is proposed along Mt. Hermon Road and Old Hundred Road. A portion of this water infrastructure will be built in conjunction with the Hallsley Development. Use of public water is intended and has been proffered (Proffered Condition 2). Per Utilities Department Design Specifications (DS-21), wherever possible, two (2) supply points shall be provided for subdivisions containing more than 25 lots.

Public Wastewater System:

The public wastewater system is not currently available to serve this site. The request site is within the Swift Creek Drainage Basin. The closest public wastewater line is a fifty-four (54) inch wastewater trunk line adjacent to Genito Road approximately 21,500 feet (4.1 miles) southeast of this site. Plans by Lewis and Associates, as approved on May 24, 2004, propose extending, in conjunction with the development of Hallsley Subdivision, a forty-two (42) inch wastewater trunk line along Swift Creek as far as Nelsons Branch. When this trunk line is completed, an off-site extension of approximately 11,600 feet (2.2 miles) will still be necessary to serve the request site. Use of public wastewater is recommended by the Upper Swift Creek Plan and has been proffered. (Proffered Condition 2)

ENVIRONMENTAL

Drainage and Erosion:

The property drains in three (3) directions directly into, or via, small tributaries to Swift Creek and then to Swift Creek Reservoir. The property is heavily wooded and should not be timbered without first obtaining a land-disturbance permit from the Environmental Engineering Department (Proffer Condition 1). There are no existing or anticipated on- or off-site drainage or erosion problems.

Water Quality:

The property is located in the Upper Swift Creek watershed. Development must conform to standards of the Ordinance applicable to the watershed. If the existing pond will remain, it will need to be retrofitted to meet today's criteria according to the Engineering Reference Manual.

The creek to the northwest forms the common property line with the adjacent property and appears to be a perennial stream along with a smaller stream along the northern portion of the property. The developer should have a perenniality determination performed as soon as possible.

PUBLIC FACILITIES

The need for fire, school, library, park and transportation facilities is identified in the Public Facilities Plan, the Thoroughfare Plan and the Capital Improvement Program. This development will have an impact on these facilities.

Fire Service:

The Public Facilities Plan indicates that fire and emergency medical service (EMS) calls are expected to increase forty-four (44) to seventy-eight (78) percent by 2022. Six (6) new fire/rescue stations are recommended for construction by 2022 in the Plan. In addition to the (6) six new stations, the Plan also recommends the expansion of five (5) existing stations. Based on 178 dwelling units, this request will generate approximately 32 calls for fire and emergency medical service each year. The applicant has addressed the impact on fire and EMS. (Proffered Condition 3)

The Midlothian Fire Station, Company Number 5, and Forest View Volunteer Rescue Squad currently provide fire protection and emergency medical service. When the property is developed, the number of hydrants, quantity of water needed for fire protection, and access requirements will be evaluated during the plans review process.

Schools:

Approximately ninety-four (94) (Elementary: 41, Middle: 23, High: 30) students will be generated by this development.

This property is currently in the Watkins Elementary School attendance zone: capacity - 752, enrollment - 743; Midlothian Middle School: capacity - 1,301, enrollment - 1,424; and Midlothian High School: capacity - 1,589, enrollment - 1,520. The enrollment is based on September 29, 2006 and the capacity is as of 2006-2007.

This request will have an impact at the elementary and middle school level. There are currently eight (8) trailers at Watkins Elementary and ten (10) trailers at Midlothian Middle. Other than capacity purposes, these trailers are being used for itinerant programs.

This case, combined with other tentative residential developments and zoning cases in the zones, would continue to push these schools at or over capacity. This case could necessitate some form of relief in the future. The applicant has addressed the impact of the development on schools with Proffered Condition 3.

Libraries:

Consistent with the Board of Supervisors' policy, the impact of development on library services is assessed Countywide. Based on projected population growth, the Chesterfield County Public Facilities Plan identifies a need for additional library space throughout the County.

Development in this area of the County would most likely impact either the Midlothian Library or a proposed new branch in the Genito Road area. The Public Facilities Plan indicates a need for additional library space in this area of the County. The applicant has offered measures to assist in addressing the impact of this development on library facilities. (Proffered Condition 3)

Parks and Recreation:

The Public Facilities Plan identifies the need for three (3) new regional parks, seven community parks, twenty-nine (29) neighborhood parks and five (5) community centers by 2020. In addition, the Public Facilities Plan identifies the need for ten (10) new or expanded special purpose parks to provide water access or preserve and interpret unique recreational, cultural or environmental resources. The Plan also identifies shortfalls in trails and recreational historic sites. The applicant has offered measures to assist in addressing the impact of this development on these Parks and Recreation facilities (Proffered Condition 3).

Transportation:

The property (89.2 acres) is currently zoned Agricultural (A), and the applicant is requesting rezoning to Residential (R-12). The applicant has proffered a maximum density of 2.0 units per acre (Proffered Condition 5). Based on single-family trip rates, development could generate approximately 1,770 average daily trips. These vehicles will be initially distributed to County Line Road, which had a 2005 traffic count of 228 vehicles per day (VPD).

The Thoroughfare Plan identifies County Line Road as a major arterial with a recommended right of way width of ninety (90) feet. The applicant has proffered to dedicate forty-five (45) feet of right of way, measured from the centerline of County Line Road, in accordance with that Plan. (Proffered Condition 6)

Access to major arterials, such as County Line Road, should be controlled. The property has approximately 1,770 feet of frontage along County Line Road. The applicant has proffered that direct access from the property to County Line Road will be limited to two (2) public roads. (Proffered Condition 9)

The traffic impact of this development must be addressed. The applicant has proffered to: 1) construct addition pavement along County Line Road at each public road intersection to provide left and right turn lanes, based on Transportation Department standards; and 2) widen/improve the west side of County Line Road to an eleven (11) foot wide travel lane with an additional one (1) foot wide paved shoulder plus a seven (7) foot wide unpaved shoulder, and overlay with asphalt the full width of the road for the entire property frontage (Proffered Condition 7). Based upon existing traffic and Transportation Department standards, left and right turn lanes along County Line Road are anticipated to be warranted at the southernmost public road intersection and a right turn lane at the northernmost public road intersection. These turn lane warrants will be reevaluated at time of tentative subdivision plat review.

Area roads need to be improved to address safety and accommodate the increase in traffic generated by this development. County Line Road will be directly impacted by development of this property. Sections of County Line Road have approximately sixteen (16) to seventeen (17) foot wide pavement with no shoulders, substandard horizontal and vertical curves, and large trees located close to the edge of pavement. The pavement section of County Line Road is inadequate even to carry a modest volume of traffic. The capacity of that section of County Line Road is acceptable (Level of Service A) for the very low volume of traffic it currently carries (228 VPD). Development should not occur on County Line Road until it is reconstructed. The applicant has proffered that prior to recordation of the initial subdivision plat, County Line Road from Midlothian Turnpike (Route 60) to the southern property line will be reconstructed to twenty-two (22) foot wide travel lanes with one (1) foot wide paved shoulder on each side plus seven (7) foot wide shoulders. (Proffered Condition 10)

The applicant has proffered to contribute cash, in an amount consistent with the Board of Supervisors' Policy, towards mitigating the traffic impact of this development (Proffered Condition 3). The applicant has also proffered that, at the option of the Transportation Department and in lieu of the cash proffer payment described in Proffered Condition 3, lump sum contributions will be provided for area road improvements (Proffered Condition 4). Proffered Condition 4 requires the applicant to pay prior to recordation of each subdivision section \$8,915 multiplied by the total number of lots on each approved final check plat. Proffered Condition 4 would also allow, upon mutual agreement of the Transportation Department and the applicant, the applicant to provide road improvements to County Line Road equal to the cost of such payment(s). This option will be considered at time of tentative subdivision plat review.

As development continues in this part of the county, traffic volumes on area roads will substantially increase. Cash proffers alone will not cover the cost of the improvements needed to accommodate the traffic increases. No road improvement projects in this part of the county are included in the Six-Year Improvement Plan, or expected to be in the Plan in the near future because of other priorities.

At time of tentative subdivision review, specific recommendations will be provided regarding the internal street network and providing stub road rights of way to adjacent properties.

Financial Impact on Capital Facilities:

		PER UNIT
Potential Number of New Dwelling Units	178*	1.00
Population Increase	484.16	2.72
Number of New Students		
Elementary	41.47	0.23
Middle	23.14	0.13
High	30.08	0.17
TOTAL	94.70	0.53
Net Cost for Schools	951,944	5,348
Net Cost for Parks	107,512	604
Net Cost for Libraries	62,122	349
Net Cost for Fire Stations	72,090	405
Average Net Cost for Roads	1,591,676	8,942
TOTAL NET COST	\$2,785,344	\$15,648

*Based on a proffered maximum yield of 2 dwelling units per acre (Proffered Condition 5). The actual number of lots and corresponding impact may vary.

This case was originally evaluated using the FY 2005 maximum cash proffer of \$11,500 per dwelling unit. On October 12, 2005 the Board of Supervisors adopted the FY 2006 maximum cash proffer of \$15,600 per dwelling unit. Per the Board's cash proffer policy, a development proposal is subject to one change in the policy between the time the application is submitted and when the case is decided by the Board.

Consistent with the Board of Supervisors' policy, and proffers accepted from other applicants, the applicant has offered cash to assist in defraying the cost of this proposed zoning on such capital facilities (Proffered Condition 3). In addition to addressing the impact on schools, parks, libraries and fire stations, the applicant has offered lump-sum payments to be made prior to recordation of each subdivision section to offset the impact of this proposed development on road facilities. (Proffered Condition 4)

Note that circumstances relevant to this case, as presented by the applicant, have been reviewed and it has been determined that it is appropriate to accept the proffered conditions as offered in this case.

LAND USE

Comprehensive Plan:

Lies within the boundaries of the Upper Swift Creek Plan which suggests the property is appropriate for residential use of 2.0 units per acre or less with use of public utilities. The Plan is currently being revised. The draft Plan, as recommended by the Planning Department, suggests development in this area should be limited to agricultural and forestall uses, isolated single-family residences on large parcels, places of worship and other similar semi-public facilities with other types of development deferred until adequate public facilities area available.

Area Development Trends:

Area properties are zoned agriculturally and industrially and have been developed for single-family residential uses on acreage parcels or remain vacant. Typical subdivision development in this area is not anticipated until such time as public water and wastewater is available.

CONCLUSIONS

While the proposed zoning and land uses conform to the Upper Swift Creek Plan which suggests the property is appropriate for residential use of 2.0 units per acre or less, the proposal fails to comply with the proposed amendment to the Upper Swift Creek Plan, as recommended by the Planning Department. Specifically, the proposed Plan recommended by the Planning Department suggests that development in this area should be deferred as discussed herein.

Given these considerations, denial of this request is recommended.

CASE HISTORY

Applicant (5/13/05):

Revised proffers were submitted.

Planning Commission Meeting (5/17/05):

At the request of the applicant, the Commission deferred this case to June 21, 2005.

Staff (5/18/05):

The applicant was advised in writing that any significant new or revised information should be submitted no later than May 23, 2005, for consideration at the Commission's June 21, 2005, public hearing. Also, the applicant was advised that a \$500.00 deferral fee must be paid prior to the Commission's public hearing.

Staff (5/23/05):

No additional information has been received. Also, the deferral fee has not been paid.

Applicant (6/3/05):

The deferral fee was paid.

Planning Commission Meeting (6/21/05):

At the request of the applicant, the Commission deferred this case to October 18, 2005.

Staff (6/22/05):

The applicant was advised in writing that any significant, new or revised information should be submitted no later than August 8, 2005, for consideration at the Commission's October 18, 2005, public hearing.

Also, the applicant was advised that a \$250.00 deferral fee must be paid prior to the Commission's public hearing.

Applicant (7/8/05):

The deferral fee was paid. In addition, revised proffered conditions were submitted.

Planning Commission Meeting (10/18/05):

At the request of the applicant, the Commission deferred this case to January 17, 2006.

Staff (10/19/05):

The applicant was advised in writing that any significant, new or revised information should be submitted no later than November 14, 2005, for consideration at the Commission's January 17, 2006, public hearing.

Also, the applicant was advised that a \$250.00 deferral fee must be paid prior to the Commission's public hearing.

Applicant (11/3/05):

The deferral fee was paid.

Applicant (12/22/05):

The applicant requested a deferral to April 18, 2006.

Applicant (1/17/06):

Amended proffered conditions were submitted.

Planning Commission Meeting (1/17/06):

At the request of the applicant, the Commission deferred this case to April 18, 2006.

Staff (1/19/06):

The applicant was advised in writing that any significant new or revised information should be submitted no later than February 13, 2006, for consideration at the Commission's April 18, 2006, public hearing.

Also, the applicant was advised that a \$250.00 deferral fee must be paid prior to the Commission's public hearing.

Applicant (2/2/06):

Amended proffered conditions were submitted.

Applicant (3/28/06):

The applicant requested deferral to July 18, 2006.

Applicant (4/7/06):

The deferral fee was paid.

Planning Commission Meeting (4/18/06):

At the request of the applicant, the Commission deferred this case to July 18, 2006.

Staff (4/19/06):

The applicant was advised in writing that any significant, new or revised information should be submitted no later than May 15, 2006, for consideration at the Commission's July 18, 2006, public hearing.

Also, the applicant was advised that a \$250.00 deferral fee must be paid prior to the Commission's public hearing.

Applicant (5/4/06):

The deferral fee was paid.

Staff (6/30/06):

The applicant has requested a deferral to October 17, 2006.

Planning Commission Meeting (7/18/06):

At the request of the applicant, the Commission deferred this case to October 17, 2006.

Planning Commission Meeting (7/19/06):

The applicant was advised in writing that any significant, new or revised information should be submitted no later than August 14, 2006, for consideration at the Commission's October 17, 2006, public hearing.

Also, the applicant was advised that a \$250.00 deferral fee must be paid prior to the Commission's public hearing.

Applicant (8/2/06):

The deferral fee was paid.

Staff (10/2/06):

The applicant requested a deferral to February 2007.

Planning Commission Meeting (10/17/06):

At the request of the applicant, the Commission deferred this case to their February 2007, meeting.

Staff (10/18/06):

The applicant was advised in writing that any significant, new or revised information should be submitted no later than December 18, 2006, for consideration at the February 2007, Planning Commission meeting.

Also, the applicant was advised that a \$250.00 deferral fee must be paid prior to the February public hearing.

Applicant (11/6/06):

The deferral fee was paid.

Staff (1/29/07):

To date, no new information has been received.

Planning Commission Meeting (2/20/07):

At the request of the applicant, the Commission deferred this case to their May 15, 2007, meeting.

Staff (2/22/07):

The applicant was advised in writing that any new or revised information should be submitted no later than March 12, 2007, for consideration at the May 15, 2007, Planning Commission meeting.

Also, the applicant was advised that a \$250.00 deferral fee must be paid prior to the May public hearing.

Applicant (3/1/07):

The deferral fee was paid.

Applicant (4/13/07):

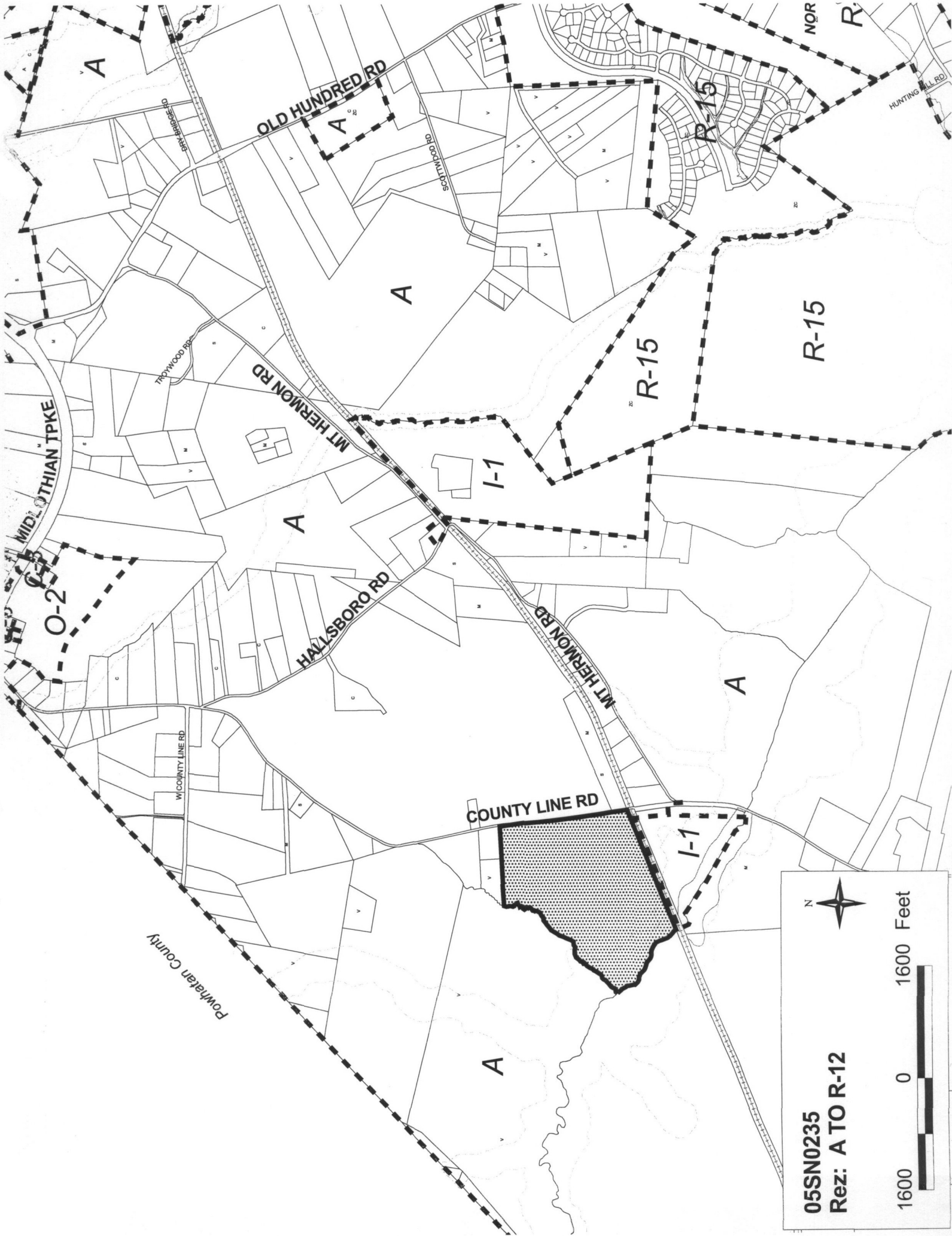
Amended proffered conditions were submitted.

Planning Commission Meeting (5/15/07):

The applicant did not accept the recommendation. There was opposition present. Concerns were expressed relative to conformity with the Plan, water quality, inadequate infrastructure, emergency response times, the lack of an adequate transportation network and leap frog development. Mr. Gecker noted, since there are no plans to make public utilities available to the site in the foreseeable future, rezoning at this time would be premature.

On motion of Mr. Gecker, seconded by Mr. Bass, the Commission recommended denial.
AYES: Messrs. Gecker, Gulley, Bass and Wilson.
NAY: Mr. Litton.

The Board of Supervisors, on Wednesday, June 27, 2007, beginning at 6:30 p.m., will take under consideration this request.

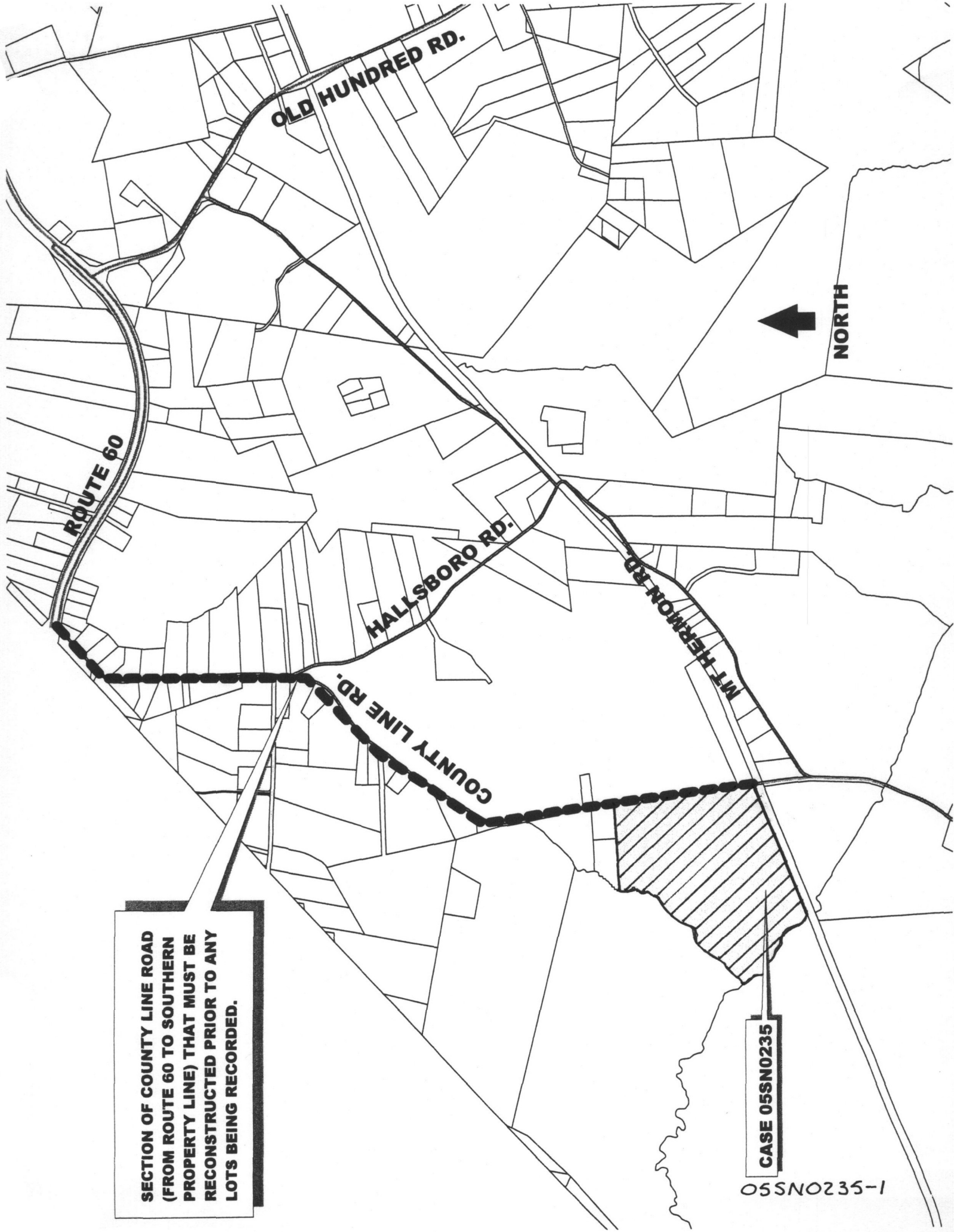


05SN0235
Rez: A TO R-12

N

1600 0 1600 Feet

This page is blank.



OLD HUNDRED RD.

NORTH

ROUTE 60

HALLSBORO RD.

MT HERMON RD.

COUNTY LINE RD.

SECTION OF COUNTY LINE ROAD
(FROM ROUTE 60 TO SOUTHERN
PROPERTY LINE) THAT MUST BE
RECONSTRUCTED PRIOR TO ANY
LOTS BEING RECORDED.

CASE 05SN0235

05SN0235-1

This page is blank.